

REMARKS

In response to the final Office Action of June 14, 2010, no claims have been amended or cancelled.

Applicant preliminarily notes that the final Office Action Summary states that the final Office Action is responsive to the communication of October 5, 2009. In fact, applicants' communication was electronically filed on March 5, 2010 in response to the Office Action mailed on December 8, 2009.

Applicant also notes (as previously pointed out in applicants' communication of March 5, 2010) that in section 2 of the Office Action it is stated that claims 1, 4-8, 10, 11, 13-16, 18, 19, 21-26, 29, 31-41, 43 and 44 are pending. Claim 28 is still not listed as pending, nor is it included in the claim rejections. However, Applicant did not cancel claim 28 in the Amendment filed on March 5, 2010, nor was it cancelled in any earlier amendments. Therefore, Applicant submits this claim should be considered pending. In addition, Applicant also notes that claim 13 is listed as pending, however, this claim was cancelled in the Amendment filed on October 5, 2009. Therefore, claim 13 should not be considered pending.

Claim Rejections - 35 USC §103

At section 8 of the Office Action, claims 1, 4-8, 10, 11, 13-16, 18, 19, 21-26, 29, 31-41, 43, and 44 are rejected under 35 USC §103(a) as unpatentable under US patent 6,226,618, Downs, et al (hereinafter Downs) in view of U.S. publication 2007/0162398 Tadayon et al. (hereinafter Tadayon).

The abstract of Tadayon discloses digital content which is associated with usage rights and transfer permission information. Paragraph [0027] discloses:

[0027] FIG. 3 illustrates an exchange method in accordance with the preferred embodiment. When users 130 and 132 wish to exchange usage rights to content, a request is sent to server 250 from one of the users in step 400. Rights transfer module 252 checks transfer permission module 214 to ascertain if the requested transfer has been authorized by

the content owner or other applicable party in step 402. If such permission has been granted, transfer permission module 214 manipulates current user ID flag module 216 to reflect the exchange in current users of the content, i.e. user 130 because the current user of content 310 and user 132 becomes the current user of content 210, in step 404.

[0027] Subsequently, in step 406, transfer permissions module 214 changes the usage rights 212 and 312 to prohibit use by users 130 and 132 of content 210 and 310 respectively and to permit the same use by the new user 132 and 13 respectively. Finally, in step 408, works 200 and 202 are exchanged between users 130 and 132 with the new usage rights 212 and 312 respectively. Alternatively, works 200 and 202 can be redistributed from distributor 120 or clearinghouse 150 to users 130 and 132. In any case, clearinghouse 150 can track all transactions, usage rights, current user data, and the like. (emphasis added)

In other words, the transfer permission module 214 has nothing to do with checking a permission to transfer the digital work. The transfer permission module 214 only checks that is it allowed to change the usage rights, e.g. between two users.

This can be stated in another way: The transfer permission module 214 checks if the user 130 is allowed to transfer his rights to the other user 132 to use the digital content and vice versa. This kind of transferring rights is quite different from transferring a digital work.

The Office asserts that Downs discloses verifying the integrity of information contained in a package for distribution by an electronic device, indicative of the conditions in which the distribution of the package is allowed, and if the verification of the integrity of the package fails, prohibiting the distribution of the package; if said verifying does not fail, examining said information indicative of the conditions in which the distribution of the package is allowed to determine whether the distribution of the

package is allowed; and if said examining determines that distribution of the package is allowed, distributing said package, wherein said the usage conditions and the media object are stored in different files.

The applicant respectfully disagrees. The cited passages of Downs do not teach at least *information indicative of the conditions in which the distribution of the package is allowed*. Thus, in cited col. 7, lines 18—24, it discloses:

A SC is a cryptographic carrier of information or content that uses encryption, digital signatures, and digital certificates to provide protection against unauthorized interception or modification of electronic information and content. It also allows for the verification of the authenticity and integrity of the Digital Content.

This subject matter does not relate to information indicative of the conditions in which the distribution of the package is allowed.

Col. 7, lines 24—40 discloses:

The advantage of these rights management functions is that the electronic Digital Content distribution infrastructure does not have to be secure or trusted. Therefore transmission over network infrastructures such as the Web and Internet. This is due to the fact that the Content is encrypted within Secure Containers and its storage and distribution are separate from the control of its unlocking and use. Only users who have decryption keys can unlock the encrypted Content, and the Clearinghouse(s) releases decryption keys only for authorized and appropriate usage requests. The Clearinghouse(s) will not clear bogus requests from unknown or unauthorized parties or requests that do not comply with the content's usage conditions as set by the content proprietors. In addition, if the SC is tampered with during its transmission, the software in the Clearinghouse(s) determines that the Content in a SC is corrupted or falsified and repudiate the transaction. (emphasis added)

This passage clearly implies that the encrypted content can be delivered to end users, but only users having the right to use the content are provided with correct decryption keys. Hence, Downs fails to teach *if said verifying does not fail, examining said information indicative of the conditions in which the distribution of the package is allowed to determine whether the distribution of the package is allowed; and if said examining determines that distribution of the package is allowed, distributing said package, wherein said package is distributed to another electronic device.*

As stated by the Office at page 4, lines 17-18 of the Office Action, Downs fails to disclose that the package includes information indicative of the conditions in which the distribution of the package is allowed.

Furthermore, Downs is also silent on the claimed feature of verifying the integrity of information contained in a package for distribution by an electronic device.

Therefore, for the foregoing reasons, Applicant respectfully submits that the combination of Downs and Tadayon does not render obvious the invention of claim 1, as the combination fails to teach each feature of claim 1. Applicant respectfully submits claim 1 is in allowable form.

Because independent claims 11, 19, 25, 29, 31-33, 41, and 44 comprise similar features to claim 1 and are rejected on similar grounds, it is respectfully submitted that independent claims 11, 19, 29, 31, 33, 41, and 44 are also distinguished over Downs for the reasons presented above with respect to claim 1.

Dependent claims 4-8, 10, 14-16, 18, 21-26, 28, 32, 34-40, and 43 are also distinguished over Downs at least in view of the dependency of each of these claims from an independent claim which is believed to be allowable.

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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/Alfred A. Fressola/

Alfred A. Fressola
Attorney for Applicant, Reg. No. 27,550

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955